THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 14165 of 2005

12-09-2005

Between:

A.Jayaprakash & Another.

.....PETITIONERS

AND

The Government of Andhra Pradesh, rep. by its Secretary, Department of Irrigation, A.P.Secretariat, Hyderabad & Others.

.....RESPONDENTS

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 14165 OF 2005

ORDER : (Per Hon'ble Sri Bilal Nazki, ACJ)

This writ petition has been filed seeking a direction that the

action of respondents in auctioning sand quarrying rights in Reach No.15 of Krishna River despite allotting sand in the reach to Pulichintala Project, was illegal, arbitrary and unconstitutional. Direction was also sought that respondents should allot the sand in Reach No.15 of Krishna river to Pulichintala Project and pass such other orders as the Court may deem fit.

In the counter affidavit, the respondents have referred to a proceedings dated 24.6.2005. In para 3 of the proceedings, it is stated;

> *"Now, therefore, the District Collector, Guntur in exercise of the powers conferred under Rule 9 G of the rules issued in G.O.Ms.No.1, Industries & Commerce (M.I) Department, dated 1.01.2001, hereby confirms the lease in respect of Reach No.15, Atchampeta Mandal limits in favour of Sri K.Venkataramireddy, President, The Didugu Sand and Boat Workers Co-op. Society Limited, Didugu subject to the condition that the sand required for construction of Pulichintala Project i.e. about 5.00 lac Cub.mts in the demarcated area nearer to the project site shall be reserved for sale at the rates to be fixed by District Level Committee for sand and the lease holder is permitted to quarry sand beyond that area only in the interest of the Government."*

Since the Contractor has agreed to make available five lakh Cubic Metres of sand in the demarcated area nearer to the project site for the project work at the rates fixed by the District Level Committee, the petitioner submits that he has no grievance except that the land be now demarcated in accordance with communication dated 24.6.2005.

We dispose of the writ petition and direct the respondents to demarcate the area in terms of the proceedings dated 24.6.2005. No order as to costs.

(BILAL NAZKI, ACJ)

12th September 2005.

(R.SUBHASH REDDY, J)

ajr